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General Assembly

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Sixty-second session
Third Committee
Agenda item 63
Advancement of women

Afghanistan, Belgium, Bulgaria, Cambodia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Micronesia (Federated States of), Nauru, Netherlands, Palau, Poland, Portugal, Republic of Korea, Romania, Samoa, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Timor-Leste, United Kingdom of Great Britain and Northern Ireland, United States of America and Vanuatu: revised draft resolution

Eliminating rape and other forms of sexual violence in all their manifestations, including as instruments to achieve political or military objectives

The General Assembly,

Reaffirming the obligation of all States to promote and protect human rights and fundamental freedoms in accordance with the Charter of the United Nations, and guided by the purposes and principles of the Charter,

Reaffirming also that discrimination on the basis of sex is contrary to the Convention on the Elimination of All Forms of Discrimination against Women[1] and other international human rights instruments and that its elimination is an integral part of efforts towards the elimination of all forms of violence against women,

Reaffirming further the obligations of States parties to the Convention on the Rights of the Child,[2] the Geneva Conventions of 1949,[3] and the International Convention on the Elimination of All Forms of Racial Discrimination,[4]

Reaffirming the goals, objectives and commitments of the Beijing Declaration and Platform for Action[5] and those contained in the outcome document of the

[1] United Nations, *Treaty Series*, vol. 1249, No. 20378.
[2] Ibid., vol. 1577, No. 27531.
[3] Ibid., vol. 75, Nos. 970-973.
[4] Ibid., vol. 660, No. 9464.
[5] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

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twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century"[6] with respect to sexual violence and to women in armed conflict,

Recalling its previous resolutions on violence against women and violence against children, including its resolution 61/143 of 19 December 2006, on intensification of efforts to eliminate all forms of violence against women, and its other relevant resolutions, as well as Security Council resolutions 1325 (2000) of 31 October 2000, on women and peace and security, 1612 (2005) of 26 July 2005, on children affected by armed conflict, and 1674 (2006) of 28 April 2006, on the protection of civilians in armed conflict, Commission on Human Rights resolution 2005/41 of 19 April 2005, on the elimination of violence against women,[7] and Subcommission on the Promotion and Protection of Human Rights resolution 2001/20 of 16 August 2001, on systematic rape, sexual slavery and slavery-like practices,[8]

Recalling also the inclusion of rape and other forms of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court,[9]

Recalling further the recognition by the ad hoc international criminal tribunals that rape can, under certain circumstances, constitute a war crime, a crime against humanity, or genocide,

Welcoming the United Nations inter-agency initiative "Stop Rape Now: United Nations Action against Sexual Violence in Conflict",

Recognizing that violence against women is an offence against the dignity and integrity of the victim, which often inflicts serious physical and psychological harm, and that all forms of violence against women seriously violate and impair or nullify the enjoyment by women of all human rights and fundamental freedoms and constitute a major impediment to the ability of women to make use of their capabilities,

Recognizing also that violence against women is rooted in historically unequal power relations between men and women,

Recognizing further that violence against women impedes the social and economic development of communities and States, as well as the achievement of the internationally agreed development goals, including the Millennium Development Goals,

Expressing concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons, and increasingly are targeted by combatants and armed elements, and recognizing the consequent impact this has on durable peace and reconciliation,

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[6] Resolution S-23/2, annex, and resolution S-23/3, annex.

[7] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[8] See E/CN.4/2002/2-E/CN.4/Sub.2/2001/40, chap. II, sect. A.

[9] United Nations, *Treaty Series*, vol. 2187, No. 38544.

Recognizing that States bear primary responsibility to respect and ensure the human rights of all individuals, including their own citizens, within their territory and as provided by relevant international law,

Stressing that States have the obligation to promote and protect all human rights and fundamental freedoms of women and girls, and must exercise due diligence to prevent, investigate and punish the perpetrators of violence against women and girls, and to provide protection to the victims, and that failure to do so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of the victims,

Strongly condemning all acts of violence against women and girls, whether these acts are perpetrated by the State, by private persons, or by non-State actors, calling for the elimination of all forms of gender-based violence in the family, within the general community, and where perpetrated or condoned by the State, and stressing the need to treat all forms of violence against women and girls as a criminal offence, punishable by law,

Stressing that rape or other forms of sexual violence must not be used or condoned in any circumstance by any individual, State or non-State actor,

Recognizing that rape or any other form of sexual violence is unlawful in all circumstances, whether or not it is committed within the territory of the State, whether or not in the course of an international or non-international armed conflict, including in detention and in jails, and regardless of the sex or age of the victim,

Deeply concerned at rape and other forms of sexual violence in all their manifestations, which are typically committed against women and girls, and which when used to achieve political or military objectives often target victims associated with communities, ethnic groups or other groups regarded as antagonistic to or insufficiently supportive of the group or entity whose forces commit the crime, and are frequently calculated to humiliate, dominate, instil fear in, disperse and/or forcibly relocate members of such groups, including, but not limited to, the victims and their families,

Deeply concerned also at reports of rape by government or government-supported forces and other armed groups, including in the course of attempting to achieve political or military objectives,

Affirming the need for States to ensure that perpetrators of rape or other forms of sexual violence committed on their territory do not operate with impunity and that the perpetrators of such acts are brought to justice as provided for by national law and obligations under international law, and also affirming the need to penalize persons in authority found guilty of sexually assaulting victims,

Determined to bring an end to rape and other forms of sexual violence in all their manifestations, including when used as instruments to achieve political or military objectives,

1. *Urges* States to:

(a) Take special measures to protect women and girls from gender-based violence, in particular rape and other forms of sexual violence;

(b) End impunity by ensuring that all rape victims, particularly women and girls, have equal protection under the law and equal access to justice, and by

investigating, prosecuting and punishing those responsible for rape and other forms of sexual violence, including when the perpetrators or accused perpetrators are members of government or government-supported forces or other armed groups;

(c) Provide victims with access to appropriate health care, including sexual and reproductive health care, psychological care, and trauma counselling, as well as to rehabilitation, social reintegration and, as appropriate, effective and sufficient compensation, as provided for under national law;

(d) Develop and implement at all levels, as required, a comprehensive and integrated strategy of prevention and prosecution of rape, including in cases where the perpetrators or accused perpetrators are members of government or government-supported forces or other armed groups, and that such a strategy should include the training of, inter alia, all relevant government and military personnel, in particular military commanders, law enforcement officials, judicial system personnel, health workers, teachers and social workers, as well as community leaders and the news media, in all appropriate aspects of the prevention and prosecution of rape and other forms of sexual violence and of protection and support for victims of such violence;

(e) Promote human rights education, including on all aspects of rape and other forms of sexual violence, ensuring factual accounts of such violence in educational curricula, in an effort to encourage better understanding among all peoples;

(f) Increase significantly their voluntary financial support for activities related to preventing and eliminating all forms of violence against women, the empowerment of women and gender equality carried out by the specialized agencies and the United Nations funds and programmes, including the United Nations Trust Fund in Support of Actions to Eliminate Violence against Women;

2. *Calls upon* States and the United Nations system to:

(a) Monitor the progress in all parts of the world of efforts to address rape, including through the regular collection, analysis and dissemination of data, to facilitate such efforts and, in particular, to work towards overcoming the difficulties and challenges of collecting information on the practice;

(b) Integrate to the maximum extent possible the needs of all victims of sexual violence into United Nations humanitarian assistance programmes;

(c) Assign, within existing resources, adequate resources within the United Nations system to those bodies, specialized agencies, funds and programmes responsible for the promotion of gender equality and women's rights and to efforts throughout the United Nations system to eliminate violence against women and girls;

3. *Urges* States, in cooperation with the private sector, non-governmental organizations and other civil society actors, as appropriate, to:

(a) Conduct public education and awareness campaigns at the national and grass-roots levels in order to raise awareness about the causes and consequences of rape and other forms of sexual violence,

(b) Establish reception centres and shelters for victims, take other appropriate measures to promote and protect women's rights, and provide

protection, safe shelter, medical assistance, including sexual and reproductive health care, all necessary medications, including antiretroviral drugs and antibiotics, counselling for victims and their families, comprehensive information and education, legal aid, rehabilitation, and reintegration of victims and their offspring into society, in cooperation with State efforts towards protecting and supporting victims, in particular appropriate compensation that is effective and sufficient, maintaining due confidentiality and privacy of the victims and their families;

(c) Support programmes to eliminate rape and other forms of sexual violence in all their manifestations;

(d) Address the long-term consequences faced by victims of rape and other forms of sexual violence, including legal discrimination and social stigmatization, as well as the effects on children born as a consequence;

4. *Invites* non-governmental organizations and other civil society actors to:

(a) Advocate at the local, national, regional and international levels against rape and other forms of sexual violence, including as instruments to achieve political or military objectives, inter alia, through building and strengthening networks among those who may be in a position to provide information on its occurrence, and to call attention to its adverse consequences;

(b) Increase coordination and cooperation in addressing this problem and continue to present their observations and conclusions to governments;

5. *Requests* the Secretary-General to report on the implementation of the present resolution to the sixty-third session of the General Assembly, including with respect to each situation in which rape or other forms of sexual violence are being perpetrated by government forces, government-supported forces or other armed groups, drawing upon the contributions of, as appropriate, the United Nations High Commissioner for Human Rights, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on violence against women, the Emergency Relief Coordinator, the special representatives of the Secretary-General in situations of conflict and post-conflict and all other relevant United Nations agencies, funds, programmes and organizations, including relevant special procedures and mechanisms.

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Sixty-second session
Third Committee
Agenda item 63
Advancement of women

Afghanistan, Albania, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Burundi, Cambodia, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Hungary, Iceland, Indonesia, Iraq, Ireland, Italy, Japan, Latvia, Liberia, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Nauru, Netherlands, Norway, Palau, Panama, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America and Vanuatu: revised draft resolution

Eliminating rape and other forms of sexual violence in all their manifestations, including as instruments to achieve political objectives

The General Assembly,

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Reaffirming also that discrimination on the basis of sex is contrary to the Convention on the Elimination of All Forms of Discrimination against Women[1] and other international human rights instruments and that its elimination is an integral part of efforts towards the elimination of all forms of violence against women,

Reaffirming further the obligations of States parties to the Convention on the Rights of the Child,[2] the Geneva Conventions of 1949[3] and their Additional

[1] United Nations, *Treaty Series*, vol. 1249, No. 20378.
[2] Ibid., vol. 1577, No. 27531.
[3] Ibid., vol. 75, Nos. 970-973.

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Protocols[4] and the International Convention on the Elimination of All Forms of Racial Discrimination,[5]

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Recalling also the inclusion of rape and other forms of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court,[10]

Recalling further the recognition by the ad hoc international criminal tribunals that rape can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide,

Welcoming the United Nations inter-agency initiative "Stop Rape Now: United Nations Action against Sexual Violence in Conflict",

Recognizing that violence against women is an offence against the dignity and integrity of the victim, which often inflicts serious physical and psychological harm, and that all forms of violence against women seriously violate and impair or nullify the enjoyment by women of all human rights and fundamental freedoms and constitute a major impediment to the ability of women to make use of their capabilities,

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[4] Ibid., vol. 1125, Nos. 17512 and 17513.

[5] Ibid., vol. 660, No. 9464.

[6] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[7] Resolution S-23/2, annex, and resolution S-23/3, annex.

[8] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[9] See E/CN.4/2002/2-E/CN.4/Sub.2/2001/40, chap. II, sect. A.

[10] United Nations, *Treaty Series*, vol. 2187, No. 38544.

internationally agreed development goals, including the Millennium Development Goals,

Expressing concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons, and increasingly are targeted by combatants and armed elements, and recognizing the consequent impact this has on durable peace and reconciliation,

Recognizing that States bear primary responsibility to respect and ensure the human rights of all individuals, including their own citizens, within their territory and as provided by relevant international law,

Stressing that States have the obligation to promote and protect all human rights and fundamental freedoms of women and girls, and must exercise due diligence to prevent, investigate and punish the perpetrators of violence against women and girls, and to provide protection to the victims, and that failure to do so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of the victims,

Strongly condemning all acts of violence against women and girls, whether these acts are perpetrated by persons acting on behalf of the State, by private persons, or by non-State actors, calling for the elimination of all forms of gender-based violence in the family, within the general community, and where perpetrated or condoned by the State, and stressing the need to treat all forms of violence against women and girls as a criminal offence, punishable by law,

Stressing that rape or other forms of sexual violence must not be used or condoned in any circumstance by any individual, State or non-State actor,

Recognizing that rape or any other form of sexual violence is unlawful in all circumstances and in all places, regardless of the sex or age of the victim, including in detention and in jails, whether or not in the course of an international or non-international armed conflict, or in areas under foreign occupation,

Deeply concerned at rape and other forms of sexual violence in all their manifestations, which are typically committed against women and girls, and which when used to achieve political objectives often target victims associated with communities, ethnic groups or other groups regarded as antagonistic to or insufficiently supportive of the group or entity whose forces commit the crime, and are frequently calculated to humiliate, dominate, instil fear in, disperse and/or forcibly relocate members of such groups, including, but not limited to, the victims and their families,

Deeply concerned also at reports of rape, including in the course of attempting to achieve political objectives,

Affirming the need for States to ensure that perpetrators of rape or other forms of sexual violence committed on their territory do not operate with impunity and that the perpetrators of such acts are brought to justice as provided for by national law and obligations under international law, and also affirming the need to penalize persons in authority found guilty of sexually assaulting victims,

Determined to bring an end to rape and other forms of sexual violence in all their manifestations, including when used as instruments to achieve political objectives,

1. *Urges* States to:

(a) Take special measures to protect women and girls from gender-based violence, in particular rape and other forms of sexual violence;

(b) End impunity by ensuring that all rape victims, particularly women and girls, have equal protection under the law and equal access to justice, and by investigating, prosecuting and punishing any person responsible for rape and other forms of sexual violence, including government officials, with full respect for international law, including international humanitarian law;

(c) Provide victims with access to appropriate health care, including sexual and reproductive health care, psychological care, and trauma counselling, as well as to rehabilitation, social reintegration and, as appropriate, effective and sufficient compensation, in accordance with relevant international and national law;

(d) Develop and implement at all levels, as required, a comprehensive and integrated strategy of prevention and prosecution of rape, which should include the training of, inter alia, all relevant government and military personnel, in particular military commanders, law enforcement officials, judicial system personnel, health workers, teachers and social workers, as well as community leaders and the news media, in all appropriate aspects of the prevention and prosecution of rape and other forms of sexual violence and of protection and support for victims of such violence;

(e) Promote human rights education, including on all aspects of rape and other forms of sexual violence, ensuring factual accounts of such violence, in an effort to encourage better understanding among all peoples, with a view to the prevention and elimination of rape and other forms of sexual violence;

(f) Increase significantly their voluntary financial support for activities related to preventing and eliminating all forms of violence against women, the empowerment of women and gender equality carried out by the specialized agencies and the United Nations funds and programmes, including the United Nations Trust Fund in Support of Actions to Eliminate Violence against Women;

(g) Monitor the progress of their efforts to address rape, including through the regular collection, analysis and dissemination of data, and work towards overcoming the difficulties and challenges of collecting information on the practice;

(h) Consider ratifying or acceding to all human rights treaties, including, as a matter of priority, the Convention on the Elimination of All Forms of Discrimination against Women[1] and the Optional Protocol thereto;[11]

2. *Calls upon* the United Nations system to:

(a) Support efforts to address rape, including through the regular collection, analysis and dissemination of data, to facilitate such efforts and, in particular, to work towards overcoming the difficulties and challenges of collecting information on the practice;

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[11] Ibid., vol. 2131, No. 20378.

(b) Integrate to the maximum extent possible the needs of all victims of sexual violence into United Nations humanitarian assistance programmes;

(c) Assign, within existing resources, adequate resources within the United Nations system to those bodies, specialized agencies, funds and programmes responsible for the promotion of gender equality and women's rights and to efforts throughout the United Nations system to eliminate violence against women and girls;

3. *Urges* States, in cooperation with the private sector, non-governmental organizations and other civil society actors, as appropriate, to:

(a) Conduct public education and awareness campaigns at the national and grass-roots levels in order to raise awareness about the causes and consequences of rape and other forms of sexual violence;

(b) Establish reception centres and shelters for victims, take other appropriate measures to promote and protect women's rights, and provide protection, safe shelter, medical assistance, including sexual and reproductive health care, all necessary medications, including antiretroviral drugs and antibiotics, counselling for victims and their families, comprehensive information and education, legal aid, rehabilitation, and reintegration of victims and their offspring into society, in cooperation with State efforts towards protecting and supporting victims, in particular appropriate compensation that is effective and sufficient, maintaining due confidentiality and privacy of the victims and their families;

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(d) Address the long-term consequences faced by victims of rape and other forms of sexual violence, including legal discrimination and social stigmatization, as well as the effects on children born as a consequence;

4. *Invites* non-governmental organizations and other civil society actors to:

(a) Advocate at the local, national, regional and international levels against rape and other forms of sexual violence, including as instruments to achieve political objectives, inter alia, through building and strengthening networks among those who may be in a position to provide information on its occurrence, and to call attention to its adverse consequences;

(b) Increase coordination and cooperation in addressing this problem and continue to present their observations and conclusions to Governments;

5. *Requests* the Secretary-General to report on the implementation of the present resolution to the sixty-third session of the General Assembly, including with respect to all situations in which rape or other forms of sexual violence are being used as instruments to achieve political objectives.